



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

August 16, 2004

Mr. Randy B. Duplechain, P.E.
Davis, Bowen & Friedel
23 North Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2004-07-07; Central Parke

Dear Mr. Duplechain:

Thank you for meeting with State agency planners on July 28, 2004 to discuss the proposed plans for the Central Parke project to be located east of Route 113, west of Route 213 and north of Route 207 adjacent to the southern boundary of the City of Milford.

According to the information received, you are seeking annexation into the City of Milford and a site plan review for a 700 +/- active adult subdivision on 179 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that, if annexed, the City of Milford will be the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This project is located in Investment Levels 1 and 2 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. This site is also located in the City of Milford.

Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. State investments will support growth in these areas.

We strongly suggest that cross access be established to the development on the Simpson Farm. This area should be planned and designed as an interconnected extension of the City of Milford's street system, not as two stand alone projects. Our office would also like to draw attention to the comments from DelDOT which relate to the requested access from Route 113. As we discussed at the PLUS meeting, access to Route 113 is not assured due to the Corridor Capacity Preservation Program and the ongoing Route 113 Limited Access Study. It is recommended that the developer continue to work closely with DelDOT, the City of Milford, and the developers of the Simpson Farm project regarding access issues.

Our office has no objections to the proposed development of this project in accordance with the City codes and ordinances.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There was once a house and outbuildings on the subject property. According to the developers, those are no longer extant. They should be aware of the structures' remains and can contact the SHPO office to schedule a time they can visit the property to document the remains. Also, there is a high probability for archaeological sites, especially near and in the wooded areas and streams. It is suggested that the development stay out of the wooded areas and provided a buffer (either open space or vegetative) between the development and woods.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) A traffic impact study (TIS) is required for this project and was scoped on December 22, 2003. In DelDOT's review of the TIS they may add to or modify the following comments. DelDOT commended the developer for starting the TIS process early. Presently the review time for completed TIS is about 8 months.
- 2) Presently, DelDOT is engaged in a US Route 113 North-South Study, which is developing alternative alignments for improving and/or bypassing that road. One of the alternatives under consideration is to improve the existing road. If they select that alternative, this development could lose any Route 113 access that it might otherwise get. DelDOT would probably have service roads on one or both sides, but no decision has been made in that regard. One of the bypass alternatives would pass through the east portion of this property.

As just stated, DelDOT is developing alternative alignments. By the spring of 2005 they expect to determine which alternatives merit detailed study, and later that year they expect to select an alignment. Therefore it does seem worthwhile for the applicant to continue the land development process. They and the City, however, should be aware that DelDOT might need to acquire either their access rights along Route 113 or a portion of their property.

More information on the study is available from the project manager, Mr. Monroe Hite. He may be reached at (302) 760-2120.

- 3) As indicated on the PLUS form, the site's Route 113 frontage is subject to the Corridor Capacity Preservation Program. For that reason, DelDOT would not normally permit the site entrance proposed there. Depending on the results of the TIS, they may permit this entrance. However, it is recommended that the developer design their site so that the internal street system will operate acceptably with or without that entrance.
- 4) One of the reasons DelDOT might permit access on Route 113 is to create a single access point serving the strip lots to the north and south of the property frontage. For this reason, it is recommended that the developer provide for that access, either by setting aside land for a service road or by placing the development streets such that the owners of those strip lots could connect to them.
- 5) DelDOT recommends that a stub street be provided to the southwest, where a Conectiv right-of-way is located, such that when that property develops it can be connected to this development.
- 6) It is also recommended that at least one stub street, preferably two or more, be provided to connect this project to the Simpson Farm, immediately to the north. That farm is also proposed for development now and is at about the same stage of plan development. The two sites have the same site engineer and appear to have no natural barriers, such as wetlands, separating them. Thus it seems that the City has a rare opportunity to have the two developments planned and built in an integrated manner.

DelDOT understands that the developer seeks to develop an age-restricted community and therefore does not want to encourage through traffic; however, they do not view this as a reason for complete separation from the Simpson Farm. As proposed, the development would have access on both Route 113 and Walnut Street. If a second access is acceptable, why would a third one be unacceptable?

- 7) DelDOT agrees with comments made by Mr. Robert Ehemann from the Division of Parks and Recreation at the meeting and commended the developer for their proposal to provide a sidewalk on Walnut Street.

- 8) The developer's site engineer should contact the DelDOT Subdivision Manager for Sussex County, Mr. John Fiori, regarding their requirements with regard to the design of the site entrance(s). Mr. Fiori may be reached at (302) 760-2260.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

Excessively well drained - Evesboro
Well Drained – Sassafras & Rumford
Moderately well drained – Woodstown
Poorly drained (**hydric**) – Fallsington
Very poorly drained (**hydric**) - Johnston (floodplain)

Evesboro is an excessively well-drained soil that has moderate limitations on account of rapid permeability. Sassafras and Rumford are well-drained upland soils that have few limitations for development. Woodstown is a moderately well-drained soil of low-lying upland that has moderate limitations for development. Fallsington is a poorly-drained wetland associated (hydric) soils that have severe limitations for development. Johnston is a very poorly-drained wetland associated (hydric) floodplain soil that has severe limitations for development.

Wetlands

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine forested wetlands along the southern boundary of this parcel, as well as within the forested area in the northern part of the parcel. The wetlands along the southern portion of the property contribute to the riparian buffer system of Herring Branch; those to the north are within the headwater area of Deep Branch. Both areas provide important buffering and water quality functions, as well as provide flood mitigation and wildlife habitat.

Site plans show impacts to the forested Palustrine wetland area, particularly in the northern portion of the project area. Impacts to wetlands should be avoided. Wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife.

Lots should be removed in their entirety from both the wetland areas and their surrounding forested areas. Vegetated buffers of no less than 100 feet should be employed from the edge of the wetland complex. The developer should note that both DNREC and Army Corps of Engineers discourage allowing lot lines to contain wetlands and their buffers to minimize potential cumulative impacts resulting from unauthorized and/or illegal activities and disturbances that can be caused by homeowners.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process. The developer and municipality should note that wetland impacts of the scope proposed by this plan are generally not permitted by the 404 Clean Water Act regulatory program, particularly when reasonable alternatives exist.

Because there is strong evidence that federally regulated wetlands exist on site, **a wetland delineation, in accordance with the methodology established by the Corps of Engineers Wetlands Delineation Manual, (Technical Report Y-87-1) should be conducted. Once complete, this delineation should be verified Corps of Engineers through the Jurisdictional Determination process.**

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-4691 to schedule a meeting.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Mispillion subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

The Delaware Nutrient Management Commission (DNMC) is the controlling authority for fertilizer application on parcels of land 10 acres in size or greater within the watershed. Consequently, the open space will be managed for nutrients in accordance with Delaware Nutrient Management Law. Thus, the owner’s association will be responsible for the managing that open space and should be made aware of that fact.

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Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Review and approval of the sediment and stormwater plan for this project will be handled by Sussex Conservation District. Contact Jessica Watson, Program Manager, at (302) 856-7219 to schedule a pre-application meeting as soon as possible.

Forests

Significant forest clearing is proposed in the northern portion of the project area. The developer is strongly encouraged to remove all lots and infrastructure (e.g. stormwater management ponds) from these areas. The forest block in the northern portion of the parcel is part of a larger forest block within the headwaters of Deep Creek. Impacts to this forest will cause “fragmentation” of the larger forest, resulting in a significant decrease in habitat value.

Open Space

To maximize the existing buffering capacity and wildlife habitat on site, it is recommended that lot lines and other infrastructure (such as stormwater management ponds) be pulled out of the forest and that areas of community open space be relocated to areas adjacent to the riparian areas. Doing so will accomplish two things: it will preserve the existing riparian buffers on site and its value for birds and wildlife and it will create recreational opportunities for residents by allowing them access to and views of the forest and stream.

In areas set aside for passive open space, the developer is encouraged to consider establishment of additional forested areas or meadow-type grasses. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air quality improvements, and require much less maintenance than

traditional turf grass, an important consideration if a homeowners association will take over responsibility for maintenance of community open spaces.

Open space containing forest and/or wetlands should be placed into a permanent conservation easement or other permanent protection mechanism. Conservation areas should also be demarked to avoid infringement by homeowners.

Recreation

It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

It is also strongly recommend that pedestrian and bike access be provided to the north (into Simpson Farm) and south in addition to the sidewalks on Route 113 and Walnut Street.

DNREC encourages the designer/builder to involve the Milford Parks and Recreation Department in the recreation components of this project. Mary Betts can be reached at (302) 422-1104.

Air Quality

Air pollution threatens the health of human beings and other living things on our planet. While often invisible, pollutants in the air create smog and acid rain, cause cancer or other serious health effects, diminish the protective ozone layer in the upper atmosphere, and contribute to the potential for world climate change. Breathing polluted air can have numerous effects on human health, including respiratory problems, hospitalization for heart or lung disease, and even premature death. Some can also have effects on aquatic life, vegetation, and animals.

Once complete, vehicle emissions associated with this project will be 53.7 tons (107,442.7 pounds) per year of VOC (volatile organic compounds), 44.5 tons (88,955.3 pounds) per year of NOx (nitrogen oxides), 32.8 tons (65,632.8 pounds) per year of SO2 (sulfur dioxide), 2.9 tons (5,842.5 pounds) per year of fine particulates and 4,493.7 tons (~9 million pounds) per year of CO2 (carbon dioxide)

Emissions from electrical power generation associated with this project will be 8.6 tons (17,175.5 pounds) per year of NOx (nitrogen oxides), 29.9 tons (59,740.8 pounds) per year of SO2 (sulfur dioxide) and 4,405.9 tons (~8.8 million pounds) per year of CO2 (carbon dioxide).

Emissions from area sources* associated with this project will be 21.7 tons (43,336.5

pounds) per year of VOC (volatile organic compounds), 2.4 tons (4,768.3 pounds) per year of NO_x (nitrogen oxides), 2 tons (3,957 pounds) per year of SO₂ (sulfur dioxide), 2.6 ton (5,106.4 pounds) per year of fine particulates and 87.8 tons (175,676.6 pounds) per year of CO₂ (carbon dioxide)

	VOC	NO _x	SO ₂	PM _{2.5}	CO ₂
Mobile	53.7	44.5	32.8	2.9	4493.7
Residential	21.7	2.4	2.0	2.6	87.8
Electrical Power		8.6	29.9		4405.9
TOTAL	75.4	55.5	64.7	5.5	8987.4

The Department of Natural Resources and Environmental Control is asking that local jurisdictions consider mitigation to help resolve this issue. Mitigation might involve limiting large new developments to growth zones, focusing development to urban areas capable of providing mass transit services, requiring more energy efficient homes which would lessen air quality impacts, and promoting walkability and bikability within and between developments and town centers.

With that said this State notes that this proposed development is within a designated growth area and is in the City of Milford. Therefore, the State would ask that you consider building energy efficient homes and interconnecting this subdivision with other parcels and the Town and surrounding commercial areas to promote walkability and bikeability.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly, Apartment and Townhouses)
- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Wintjen Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that the City of Milford will provide water to the proposed projects through a central public water system. Once annexed, the City will need to notify the Public Service Commission.

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Please contact Malak Michael in this regard.

Recent legislation (Senate Bill 99) placed non-governmental companies providing wastewater services to 50 or more customers (in the aggregate) under the regulatory

control of the PSC. While rules are not yet in place, governmental agencies offering wastewater services must file data with the Commission regarding its service areas. Contact: Kevin Neilson at (302) 739-4247.

Delaware State Housing Authority – Contact Karen Horton 739-4263

DSHA has noted that they support this proposal because the 2003 Statewide Housing Needs Assessment indicates that the elderly is the fastest growing segment of Delaware's population and housing is needed to meet this demand. In addition, the site's location will facilitate the residents' access to services and markets. While the prices of the units are not known at this time, DSHA would encourage that some of the units be set aside for low- and moderate-income households.

Delaware Emergency Management Agency – Contact Don Knox 653-3362

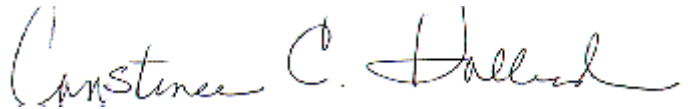
A significant impact to public safety is foreseen by implementation of this project. Developer should notify the police, fire service, and emergency medical response organization serving the City of Milford, to keep them apprised of all development activities.

Routes 14 and 113 are both coastal storm evacuation routes and this development will add to the traffic volume on these routes during a coastal storm event.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script, reading "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: City of Milford
Sussex County
Slenker Land Corp.